

NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20506

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January 28, 1969

MEMORANDUM TO: The Vice President  
The Secretary of State  
The Secretary of Defense  
The Director, Office of Emergency Preparedness

SUBJECT: NSC Meeting, January 29, 1969

A meeting of the National Security Council will be held in the Cabinet Room on Wednesday, January 29, 1969 at 10:00 A.M. The agenda for the meeting is as follows:

1. Vietnam Alternatives
2. Non-Proliferation Treaty (NPT)

There will be no additional paper for the continuation of the discussion on Vietnam. The NPT discussion will be based on the attached paper.

The NSC Review Group, in recommending at its meeting of January 23, 1969 that the NSC consider the attached paper on the Non-Proliferation Treaty, agreed to call to the attention of the Council the following points on which its members were in agreement:

1. The Review Group had to spread its net wide to develop many of the Con arguments listed below and believes they are outweighed by the Pros. A number of the Con arguments are listed not because members of the Group consider them valid in the current circumstances but only because they have been put forward by others and the Review Group believes that the NSC should be aware of them. Many of these arguments might have been valid two years ago but have been overtaken by events.

2. The Review Group believes that the decision to seek Senate consent and the decision to ratify must be made together. If

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the President recommends Senate approval, the Review Group feels, he will be committing himself to ratification.

3. The Review Group believes that a decision to seek Senate consent and to ratify the Treaty does not require a decision to press other countries now or at a later date to adhere to the Treaty.



Attachment

CC: The Chairman, Joint Chiefs of Staff  
The Director, Central Intelligence Agency  
The Under Secretary of State

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Issues Paper  
on the  
NON-PROLIFERATION TREATY

A prompt decision is necessary as to whether or not the Administration will support the Non-Proliferation Treaty (NPT).

The NPT has been signed by 85 countries since it was opened for signature on July 1, 1968; however, it has been ratified by only seven countries including the UK. The NPT will not go into effect until it has been ratified by the US, UK, and USSR and forty other countries. Moreover, it must be emphasized that many of the key countries capable of developing nuclear weapons have not yet signed, including the FRG, Israel, India, Japan, Australia, South Africa, and Italy. (Italy has just informed that it plans to sign on January 28.) A number of the key non-signers are clearly awaiting US ratification before they sign as are many of the signers before they ratify.

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-2-

Despite the Czechoslovakian crisis, the Senate Committee on Foreign Relations on September 17, 1968, voted 13 to 3 (with 3 abstentions) to recommend Senate approval of the NPT.

In these circumstances, the following questions should be examined in determining the US position on the NPT:

1. Is the NPT in the over-all US interest?
2. If the NPT is in the US interest, should the President take the lead in seeking Senate approval?
3. If the NPT is in the US interest, should the President ratify the NPT immediately after Senate approval?
4. Should the US now or at a later date press other countries to sign or ratify the NPT?
5. If the NPT is not in the US interest, should the President formally seek to disengage at this time?

The pros and cons on each of these questions can be summarized along the following lines:

1. Is the NPT still in the over-all US interest?

a. Pro:

(1) The NPT is the best way to prevent the further spread of nuclear weapons, which has been a policy objective of all previous Administrations. The present treaty was supported by all interested

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-3-

agencies of the government in the previous Administration, including the JCS, who were unanimous in their support.

(2) The further spread of nuclear weapons would increase the threat of nuclear war by putting more and more countries in a position where they could initiate the use of nuclear weapons. Not only would there be the danger that some countries would prove irresponsible in the use or control of nuclear weapons, but there would be an increasing number of nuclear confrontations that could rapidly escalate local conflicts with increased danger of great power involvement.

(3) The spread of independent nuclear capabilities would force the US and USSR into a nuclear competition to assist allies in developing nuclear capabilities.

(4) The treaty safeguards on nuclear materials for peaceful purposes would provide a unique opportunity to create a worldwide system to monitor the vast quantities of fissionable material suitable for nuclear weapons production that will soon be available all over the world as a result of the rapid spread of nuclear power reactors.

(5) The economic impact of a general nuclear arms race would have a serious adverse effect on many countries, such as India to which we give economic assistance.

(6) The treaty would protect our existing NATO nuclear arrangements and does not bar succession by a new federated European state to the nuclear status of one of its former components.

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-4-

(7) The treaty, which demonstrates the ability of the US and USSR to negotiate complex issues of mutual interest, would set the stage for further steps in the negotiation of a US-Soviet detente. Failure would probably have a serious adverse effect on negotiations in other areas.

(8) The treaty would be a stimulant to progress on other arms control agreements. Failure would probably set back the prospects for other serious arms control proposals for years to come.

b. Con:

(1) The treaty would reduce our flexibility in developing future arrangements that might contribute to regional defense or unity and spread the responsibility or cost of nuclear defenses (e.g., MLF/ANF and an Asian MLF).

(2) The Soviets by their intervention in Czechoslovakia, which was in violation of the preamble of the NPT as well as the United Nations Charter and the Warsaw Pact, have demonstrated their disregard for treaty obligations such as those contained in the NPT when such obligations prove contrary to their immediate interests.

(3) The treaty has had an adverse effect on our relations with some major countries (e.g., FRG, India, Israel), who either oppose or have strong reservations about the treaty. US ratification, if accompanied by further pressure, might have additional problems in certain countries such as the FRG.

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-5-

(4) The treaty may ultimately fail. For example, certain countries (e. g. , Israel, India) may eventually decide to develop an independent nuclear weapons capability. Moreover, the growth of Chinese nuclear power over the longer term will place Asian signatories in an increasingly difficult position.

(5) There is a possibility that the safeguards provision of the treaty might have a serious effect on the future of EURATOM.

(6) Additional arguments that have been made by some include:

(a) The development of an independent nuclear weapons capability might be desirable in some cases, if it could spread the responsibility for defense and enable the US to reduce involvement in the defense of other countries (e. g. , India, Japan).

(b) Although the treaty does not contain any military guarantees to non-nuclear weapons states, it clearly would have the effect of strengthening the moral, if not legal, US involvement through the UN in the collective defense of signatory non-nuclear weapons countries against nuclear aggression. It thereby would reduce US flexibility in disengaging militarily in various regions of the world.

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-6-

2. If the NPT is in the US interest, should the President take the lead in seeking Senate approval?

a. Pro:

(1) This would be an effective domestic and international symbol and signal of the President's deep interest in world peace and his desire to move from confrontation to negotiation with the Soviet Union.

(2) It would in large measure pre-empt efforts by allies and neutrals to reopen the earlier issues on the NPT. Failure to do this would complicate our diplomatic negotiations on the NPT by encouraging countries to reopen all of the issues that concern them.

(3) This would give the President a significant role in a major early Congressional action involving strong bipartisan support.

b. Con:

Withholding of the Presidential position might be used in bargaining with the USSR on certain issues such as the Soviet posture toward Germany.

3. If the NPT is in the US interest, should the President ratify the NPT immediately after Senate approval?

a. Pro:

(1) This is a key action required to regain the impetus behind the NPT. It would immediately result in positive actions on the

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-7-

signing and ratification by other important countries that would build up the pressure for action by other undecided countries. Some key potential nuclear-weapons powers (including the FRG) are clearly waiting to see whether the United States ratifies the treaty before facing the final decision on their own position.

(2) Failure to act promptly would encourage new developments -- such as a decision by India to develop nuclear weapons -- that would vastly complicate or preclude regaining impetus for the treaty.

b. Con:

(1) In negotiating the safeguards arrangements in the treaty, we indicated we would take into account the status of EURATOM's negotiations with IAEA before ratification. This action was taken in part to accommodate the EURATOM concern that the US may consider itself obligated by the treaty not to supply EURATOM with nuclear fuel in the event a EURATOM-IAEA agreement was not successfully negotiated. (It should be emphasized, however, that EURATOM-IAEA consultations have not begun since the FRG and Italy have not yet signed the treaty and the FRG will not sign the treaty until the US has ratified it. This would require further consultation with our allies before ratification.)

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-8-

(2) In recommending approval of the treaty, the Senate Committee on Foreign Relations urged that the President delay depositing the US instrument of ratification until he had received assurance that a majority of the countries nearest to nuclear weapons capability intend to adhere to the treaty. (Some of these countries, however, are awaiting US action before signing the treaty.)

4. Should the US press other countries to sign or ratify the NPT?

For the last two years the US has carried on a continuing diplomatic campaign to persuade key countries first to support and then to sign the NPT. The key countries that have not yet signed the treaty include the FRG, Israel, India, Pakistan, Switzerland, Japan, Australia, Brazil, Argentina, South Africa, and Italy. The reasons for these countries' reservations or objections to the treaty vary widely. The extent to which we can influence these countries or be responsive to their concerns also varies widely from country to country. The timing of this action should also be keyed to domestic considerations in these countries (e. g., the FRG elections next October). Without resolving the specific tactic in dealing with individual countries, the general policy question should be faced whether we wish to continue or increase the level of diplomatic activity in support of the NPT if we decide the treaty is in the US interest.

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a. Pro:

(1) An active, positive diplomatic campaign in support of the NPT will demonstrate the continuity of US policy in this field and thereby greatly reduce the incentive for various countries to reintroduce previous reservations or objections to the treaty in hopes of changing US policy.

(2) The effectiveness of the treaty will depend in large measure on the breadth of adherence by key potential nuclear states.

(3) Selective diplomatic pressure may be needed to avoid actions (e.g., Israel) that would prejudice attainment of the objectives of the treaty, or the treaty itself.

b. Con:

Our relations with our allies and the neutrals and thereby the long-term interests of the NPT would be better served by a minimum of diplomatic pressure at this time. If the President now endorses the NPT and subsequently ratifies it, this will be adequate support for the NPT and will at the same time permit a more general dialogue by the new Administration with our allies on this and related issues.

5. If the NPT is not in the US interest, should the President formally seek to disengage at this time?

This would involve a public policy statement by the President as opposed to a long-term, quiet effort to kill the treaty either by a

behind-the-scenes effort to delay Senate approval or by a delay of formal ratification.

a. Pro:

This action would have considerable support in the FRG and in some circles in Italy, Japan, India, and other key near-nuclear weapons states that either openly oppose the treaty or simply wish it would go away.

b. Con:

In general, such an action would be very unfavorably received in most articulate circles both internationally and domestically. It would be looked upon as a formal abandonment of efforts towards arms control and negotiated settlements with the Soviet Union and would be identified as a decision to base US security on the spread of nuclear weapons.

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